

Application No. 10/782,729
Reply to Office Action of November 15, 2006

8

Docket No.: 60866(48882)

REMARKS

In the Office Action dated November 15, 2006, claims 1-11 are pending, claims 1-4 and 7 are rejected and claims 5, 6 and 8-11 are withdrawn from consideration. Reconsideration is requested, at least for the reasons discussed hereinbelow.

Applicants appreciate the acknowledgement of patentable subject matter, at least in claims 2-4.

Claims 1 and 7 are rejected under 35 U.S.C. §112, second paragraph. The claims have been amended as kindly suggested by the Examiner. Thus, this rejection is moot.

Claim 7 is rejected under 35 U.S.C. §102(a) over prior art FIGs. 21-25 disclosed in the present application. Prior art FIGs. 21-25 are discussed in the present application at pages 3-6, including the problems that result from that structure. The problems are overcome by practicing the present invention. Claim 7 recites, in part, an original transport apparatus comprising:

a lifting member supported by the outer casing member and attached to the stopper member to permit the stopper member to move vertically in the outer casing member when abutting a sheet.

As explained with respect to Embodiment 1 in the present application:

... the original transport apparatus of the present first embodiment differs from the conventional original transport apparatus is with respect to the fact that whereas in the conventional original transport apparatus stopper member(s) 4 were supported so as to permit displacement in pivoting fashion by shaft(s) 3 rigidly disposed with respect to outer casing(s) 1, in the present first embodiment stopper member(s) 4 is/are supported so as to permit displacement in pivoting fashion by shaft(s) which is/are itself/themselves disposed so as to permit displacement up and/or down in

Application No. 10/782,729
Reply to Office Action of November 15, 2006

9

Docket No.: 60866(48882)

pivoting fashion. For this reason, the present first embodiment adopts a constitution in which arm member(s) 37 has or have been added.
[0066] That is, the structure is such that one end of arm member 37 is, at the bottom region of outer casing 1, supported so as to permit displacement in pivoting fashion about shaft 38, which is arranged in a direction perpendicular to original transport direction X; shaft 3 of stopper member 4 being secured to other end of this arm member 37.

The prior art fails to teach or suggest at least "a lifting member supported by the outer casing member and attached to the stopper member to permit the stopper member to move vertically in the outer casing member when abutting a sheet," as claimed herein.

Further, the present claim 7 further recites that the lifting member comprises an arm member located and pivotally supported at a first end within the outer casing member and the apparatus further comprises a third shaft at a second end of the arm member, to which the stopper member is pivotally secured.

The disclosed prior art in the specification clearly fails to teach the relationship of the pickup arm, the engagement piece and the stopper member, as claimed herein. This relationship provides a characteristic pivotal movement of the stopper member caused by the arm member, which is not provided by the prior art structure.

Thus, it is not seen how the presently claimed invention is anticipated by Applicant's disclosed prior art. Nor is it seen how the present invention would have been obvious to one of ordinary skill in the art in view of Applicant's disclosed prior art.

Claim 1 is rejected under 35 U.S.C. §102(b) over Higaki (US 2002/0074711 A1). Higaki discloses a sheet sorting apparatus and automatic document feeder. The apparatus of Higaki shows a stopper member 60 and an engagement member capable of engaging the stopper member. However, the stopper member is fixed to the casing member at pivot 60a. Higaki fails to teach or suggest a lifting arm 37 as seen in FIG. 1

Application No. 10/782,729
Reply to Office Action of November 15, 2006

10

Docket No.: 60866(48882)

of the present application, which permits the pivot point of the stopper member 4 to move vertically within the housing. Thus, Higaki fails to teach or suggest "a **lifting member supported by the outer casing member** and attached to the stopper member to permit the stopper member to move vertically in the outer casing member when abutting a sheet," as claimed herein.

The examiner states that the

lifting member limitation is met by the unnumbered tab to the right of shaft (60a) in Figs. 4(a)-4(d) of Higaki, which permits the stopping member (60) to move vertically, as claimed.

Applicant strongly disagrees.

The unnumbered tab does permit the lifting member 60 to rotate about shaft 60a. However, shaft 60a is fixed vertically in the casing member. Thus, stopping member 60 does not move vertically in the outer casing member when abutting a sheet. See FIG. 3 of the present application for an example of moving vertically when the stopper member 4 abuts a sheet of paper. Higaki has no solution for this problem; no solution is addressed or suggested by Higaki, who does not even recognize the problem. Unlike, in the present invention where the lifting arm permits the stopper member to lift vertically within the casing when contacting paper, in Higaki, the stopper member merely pivots to permit paper to move. Both the structure and the operation are very different.

Further, contrary to the present invention, Higaki **fails** to provide an engagement piece disposed in the outer casing member. Higaki also **fails** to teach or suggest the characteristic pivotal movement of the stopper member caused by the arm member, as recited in claim 1. When the outer casing member 1 is opened and then returned to the initial state (i.e., closed), an end of the stopper member 4 abuts originals 11 on the tray 10. Conventionally, the arm member 37 supported by the outer casing member 1 causes pivotal movement of the stopper member 4, which eventually damages the stopper member as well as the originals 11. The presently claimed invention solves this problem as follows: namely, when the outer casing member 1, returns from the open

Application No. 10/782,729
Reply to Office Action of November 15, 2006

11

Docket No.: 60866(48882)

position to the original supply position, the stopper member 4 does not hit and damage the originals 11.

In Higaki, the outer cover 10a rotates about pivot point 10c. In connection with this rotation, the stopper members 60 rotate about pivots 60a provided in the outer cover 10a. Thus, Higaki fails to teach or suggest "a **lifting member supported by the outer casing member** and attached to the stopper member to permit the stopper member to move vertically in the outer casing member when abutting a sheet," which provides a characteristic pivotal movement of the stopper member caused by the arm member of the present invention.

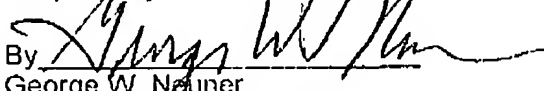
Thus, it is not seen where the present invention is anticipated by Higaki. Nor is it seen how the present invention would have been obvious to one of ordinary skill in the art in view of Higaki.

In view of the discussion above, it is respectfully submitted that the present application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited. If, after consideration of the discussion above, issues still remain outstanding, the Examiner is requested to call Applicant's undersigned attorney to discuss and attempt to resolve any outstanding issues.

If for any reason an additional fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge or to refund Deposit Account No. 04-1105.

Dated: 2/5/07

Respectfully submitted,

By 
George W. Neuner
Registration No.: 26,964

Application No. 10/782,729
Reply to Office Action of November 15, 2006

12

Docket No.: 60866(48882)

EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5538
Attorneys/Agents For Applicant

BOE2, 577701.1